



Control Number: 36134



Item Number: 8

Addendum StartPage: 0

**DOCKET NO. 36134**

**APPLICATION OF AMA TECHTEL  
COMMUNICATIONS FOR  
DESIGNATION AS AN ELIGIBLE  
TELECOMMUNICATIONS CARRIER  
AND ELIGIBLE  
TELECOMMUNICATIONS PROVIDER**

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

2008  
SEP 24 PM 2:05

**ORDER NO. 3  
NOTICE OF APPROVAL FOR DESIGNATION AS  
AN ELIGIBLE TELECOMMUNICATIONS CARRIER AND  
ELIGIBLE TELECOMMUNICATIONS PROVIDER**

***Procedural History***

On September 9, 2008, AMA TechTel Communications (AMA TechTel or the Company) filed a combined application for designation as an eligible telecommunications carrier (ETC) pursuant to 47 U.S.C. § 214(e) and P.U.C. SUBST. R. 26.418, as well as designation as an eligible telecommunications provider (ETP) pursuant to P.U.C. SUBST. R. 26.417. AMA TechTel also requested a waiver of P.U.C. SUBST. R. 26.417(c)(1)(A) so that its ETP application could be processed at the same time as its ETC application. Pursuant to 47 U.S.C. § 214(e), the Commission, either upon its own motion or upon request, shall designate qualifying common carriers as ETCs for service areas set forth by the Commission.

AMA TechTel is requesting ETP/ETC designation throughout the remainder of the entire service areas of AT&T Texas and Windstream Communications Southwest (Windstream) as found in Attachment C of the application. The Company has previously been granted ETC and ETP in Docket Nos. 28401 and 29366<sup>1</sup> in some of the areas of the incumbent local exchange companies (ILECs) that it now seeks further designation in.

The Commission issued Order No. 1 in this proceeding which established a procedural schedule, including deadlines for comment, motions to intervene, and published notice in the *Texas Register*. The Applicant provided a copy of the application to the Office of Public Utility

---

<sup>1</sup> *Application of AMA TechTel Communications for Designation as an Eligible Telecommunications Provider (ETP)*, Docket No. 28401 (Oct. 6, 2003), and *Application of AMA TechTel Communications to Amend its Designation as an Eligible Telecommunications Carrier (ETC) Pursuant to Subst. R. 26.417*, Docket No. 29366 (Apr. 1, 2004).

Counsel at the time of filing. Pursuant to P.U.C. SUBST. R. 26.417(f)(2)(A)(i) and 26.418(g)(2)(A)(i), the effective date shall be no earlier than 30 days after the filing date of the application or 30 days after notice is completed, whichever is later. Notice was published in the *Texas Register* on September 26, 2008. Therefore, the earliest effective date for this proceeding is October 26, 2008.

No objection, comment, or motions to intervene were filed, and no hearing was requested. P.U.C. SUBST. R. 26.417(f)(2)(A) and 23.418(g)(2)(A) provide that applications for ETC/ETP designation may be reviewed administratively.

On October 21, 2008, Commission Staff filed a recommendation for approval of ETC and ETP status for AMA TechTel based on the following:

***Designation as Eligible Telecommunications Carrier (ETC)***

To qualify for ETC status, a carrier must meet four conditions:<sup>2</sup>

1. The carrier must be a common carrier, as that term is defined by the Federal Telecommunications Act of 1996 (FTA '96), Section 3(10).
2. The carrier must offer the following services (requisite services),<sup>3</sup> using its own facilities or a combination of its own facilities and the resale of another carrier's services:<sup>4</sup>
  - (a) voice grade access to the public switched network;
  - (b) local usage;
  - (c) dual tone multi frequency signaling or its functional equivalent;
  - (d) single party service or its functional equivalent;
  - (e) access to emergency services, including such services as 911 or enhanced 911;
  - (f) access to operator services;
  - (g) access to interexchange service;
  - (h) access to directory assistance; and
  - (i) toll limitation for qualifying low income customers.<sup>5</sup>

---

<sup>2</sup> 47 C.F.R. § 54.201(b)-(d) (2001).

<sup>3</sup> 47 C.F.R. § 54.101 (2001).

<sup>4</sup> 47 C.F.R. § 54.201 (2001).

<sup>5</sup> Pursuant to FTA § 54.400(d), the FCC defines "toll limitation" as either toll blocking or toll control for eligible telecommunications carriers that are incapable of providing both service.

3. The carrier must advertise the availability of and charges for the requisite services in a media of general distribution.<sup>6</sup>
4. The carrier must provide Lifeline and Link Up support, and may not collect a deposit from a customer receiving such support if the customer also elects toll blocking.<sup>7</sup>

AMA TechTel meets all of the above criteria. AMA TechTel will advertise the designated services and their rates through notices using media of general distribution. AMA TechTel will provide telecommunications services by using either its own facilities or a combination of its own facilities and the resale of another carrier's services. The Company will provision switching equipment and local loop distribution facilities to provide supported service in areas where it is using its own facilities. AMA TechTel will offer Lifeline Service to qualifying customers in compliance with 47 C.F.R. Part 54, Subpart E, and consistent with P.U.C. SUBST. R. 26.412.

AMA TechTel has not requested any waivers of FCC requirements. AMA TechTel commits to offer toll limitation services in accordance with 47 C.F.R. §§ 54.400 and 54.401.

AT&T Texas and Windstream serve the exchanges for which AMA TechTel requests USF support. AT&T Texas is a non-rural ILEC and Windstream is rural ILEC.

Commission Staff's analysis of the application concludes that AMA TechTel meets all of the requirements established by the FCC for designation as an ETC.

***Designation as Eligible Telecommunications Provider (ETP)***

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(II) requires carriers applying for ETP status to meet the definition of a local exchange carrier as defined in P.U.C. SUBST. R. 26.5. AMA TechTel meets this definition.

---

<sup>6</sup> *Id.*

<sup>7</sup> 47 C.F.R. § 54.405 (2001).

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(II) requires carriers applying for ETP status to show that they have been granted ETC status for federal universal service support pursuant to U.S.C. §214(e). ETP and ETC designations are being handled concurrently in this consolidated docket.

To qualify for ETP status, P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(III), requires carriers to specify the small or rural ILEC service area in which they propose to be an ETP. AMA TechTel seeks designation in the Texas High Cost Universal Service Plan (THCUSP) service area of the rural ILEC Windstream and non-rural ILEC, AT&T Texas.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(III) requires applicants for ETP status to show that they offer the designated services defined in P.U.C. SUBST. R. 26.403 throughout the THCUSP or small and rural incumbent local exchange carrier service areas for which the carrier seeks ETP status. The designated services required for ETP status are:<sup>8</sup>

1. flat rate, single party residential and business local exchange telephone service, including primary directory listings;
2. tone dialing service;
3. access to operator services;
4. access to directory assistance services;
5. access to 911 service when provided by local authority;
6. telecommunications relay service;
7. ability to report service problems seven days a week;
8. availability of annual local directory;
9. access to toll services; and
10. lifeline and link up services.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(III) also requires the applicant to assume the obligation to provide the services required under P.U.C. SUBST. R. 26.403 to any customer. AMA TechTel states that it meets and assumes the responsibility to offer the basic services defined in P.U.C. SUBST. R. 26.403 to all customers in the THCUSP service area for which ETP designation is requested.

---

<sup>8</sup> P.U.C. SUBST. R. 26.403(d)(1) Texas High Cost Universal Service Plan (THCUSP).

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(IV) requires that applicants show they offer the designated services through a means other than total service resale. AMA TechTel will provide services through its own facilities.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(V) – (VI) requires applicants to show that they have offered continuous service that meets the quality of service standards in P.U.C. SUBST. R. 26.52 - 26.54, and that they offer Lifeline and Link-Up services in compliance with P.U.C. SUBST. R. 26.412. AMA TechTel attests that it will meet these requirements. P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(VII) requires applicants to advertise the availability of, and charges for, the designated services using media of general distribution. AMA TechTel stated that it will meet this requirement.

P.U.C. SUBST. R. 26.417(d)(2) provides that the Commission may designate an additional ETP in a small or rural ILEC study area if it is in the public interest. AMA TechTel asserted that its ETC and ETP designation will be in the public interest consistent with P.U.C. SUBST. R. 26.417(d)(2).

AMA TechTel has also committed to offering the required designated services at a rate not to exceed 150 percent of the ILEC's tariffed rate in the same designated areas pursuant to the requirements of P.U.C. SUBST. R. 26.417(c)(1)(B).

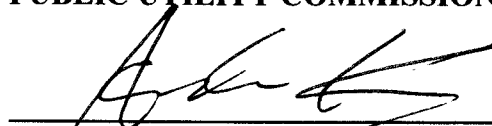
Commission Staff's analysis of the application concludes that AMA TechTel meets the requirements established in P.U.C. SUBST. R. 26.417 for designation as an ETP.

### ***Ordering Paragraph***

In accordance with Commission Staff's recommendation and for all the reasons stated therein, pursuant to the FTA § 214(e)(2) and P.U.C. SUBST. R. 26.418, the application of AMA TechTel for ETC designation is **APPROVED**; and pursuant to P.U.C. SUBST. R. 26.417, AMA TechTel's application for ETP designation is **APPROVED**.

SIGNED AT AUSTIN, TEXAS the 24<sup>th</sup> day of October 2008.

PUBLIC UTILITY COMMISSION OF TEXAS



\_\_\_\_\_  
ANDREW KANG  
ADMINISTRATIVE LAW JUDGE